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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/681,907

Applicant(s)

ROTHSCHILD ET AL.

Examiner

RYAN HSU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the amendments filed on 10/15/2007, claims 1, 6-8, 12, 17-19, and 23 have been amended and claims 5, 16, and 24 have been cancelled without prejudice. Claims 1-4, 6-11, and 13-23 are pending in the current application.

Terminal Disclaimer

The terminal disclaimer filed on 10/15/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application 10/457,629 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 5,560,603) and in further view of Seelig et al. (US 5,664,998).

Regarding claims 1, 12 and 23, Seelig et al. teaches a gaming machine for conducting a wagering game and method comprising: a game display for display the wagering game and an “alterable signage display” portraying an animation of a flexible display member that appears to scroll between a first position and a second position (*see display [20] of Fig. 1 and the related description thereof*), the display member displaying first and second signage information associated with the wagering game to a player when in the respective first and second positions

(see 'start' and 'finish' and timer [24] of Fig. 1). However, Seelig's disclosure in patent '603 refers to the parent application of patent number '998 to teach the display member moving between the first and second positions in response to an event during the wagering game, and the signage information being free of random events and outcomes associated with the wagering game.

In Seelig patent '998, he teaches the ability for the progression and animation movement on the mechanically simulated display member to be effected by number of coins or credits played in the machine, the number of pulls of the handle to create a signal to be relayed to the display device (see col. 3: ln 52-col. 4: ln 15). Therefore the interpretation of Seelig is not limited to displaying bonusing information based on outcomes of the wagering game but is made in response to an event during the wagering game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of the parent application '998 with that of Seelig '603 at the time the invention was made to have a display device that incorporated first and second signage information associated with a wagering game that is free of random events and outcomes associated with the wagering game.

Regarding claims 2 and 12, Seelig et al. discloses a game machine wherein the signage information is selected from a group consisting of billboard information, advertisement information, player attraction material (see Fig. 1 and the related description thereof), pay table information, bonusing information, game help information, game play instructions, and thematic artwork (see Fig. 3 and the related description thereof).

Regarding claims 3 and 13, Seelig et al. a game machine wherein the wagering game is selected from a group consisting of reels slots, poker, keno, bingo, blackjack, and roulette (*see col. 3: ln 32-43*).

Regarding claims 4 and 14, Seelig et al. executing the wagering game and operating, at least indirectly, the signage display (*see Fig. 2 and the related description thereof*).

Regarding claims 9 and 20, Seelig et al. a game machine wherein the game display is selected from a group consisting of mechanical reel spinning display and a video display (*see Fig. 3 and the related description thereof*).

Regarding claims 10 and 21, Seelig et al. discloses a gaming machine including a cabinet and a top box mounted on top of the cabinet, the game display being mounted within the cabinet, the signage display being mounted within the top box (*see Fig. 1 and the related description thereof*).

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 5,560,603 and US 5,664,998) as applied to claims above, and further in view of Hosaka (US 2004/0077397 A1).

Regarding claims 6 and 17, Seelig et al. ('603 and '998) teach a gaming machine that has a signage video display that portrays a mechanical display member. However, Seelig is silent with respect to the display member to include scrolling media that appears to scroll between the first and second positions.

In a related gaming patent, Hosaka displays scrolling media on a video display device that scrolls between a first and second position (*see Fig. 6-7 and the related description thereof*). As taught in Hosaka, an advertising image may be displayed on the gaming device when a player

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is not playing on the display apparatus. One would be motivated to incorporate such a feature in order to attract users to play a gaming machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature taught in Hosaka of displaying scrolling media on a gaming machine display apparatus as it would provide the added benefit of attracting customers to a gaming machine.

Claims 7-8 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 5,506,603 and US 5,664,998) as applied to claims above, and further in view of Sekiguchi et al.(US 5,695,346).

Regarding claims 7-8 and 18-19, Seelig et al. teaches a gaming machine that includes a signage video display that portrays a panel mechanical display member that displays first and second signage information and has the ability to move from a first and second position. In Seelig the panel is adaptable to display various types of information and to display different types of thematic information. Additionally, Seelig teaches that the display member to serve as advertisement and attract other players to a game machine. However, Seelig is silent with respect to a panel and/or plurality of panels that appear to rotate about an axis between first and second positions so that the panel displays first and second sides to a player when in the respective first and second positions.

In a related advertising patent, Sekiguchi et al. teaches of an information display assembly that teaches different embodiments of display mechanisms to be used to display signage information. Sekiguchi teaches of using a rotating display or multiple rotating panels that can display images or information to a person (*see col. 3: ln 25-62, Fig. 135-138 and the*

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related description thereof). One would be motivated to incorporate the teachings of Sekiguchi to understand the different types of available display assemblies available at the time the invention was made. Therefore by incorporating the teachings of Sekiguchi with that of Seelig would make it obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the state of display assemblies and apply it with Seelig in order to have a gaming machine attraction display that incorporating rotating panels to display information to a user.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (US 5,560,603 and US 5,664,998) as applied to claims above, and further in view of Gura (US 6,159,097).

Regarding claims 11 and 22, Seelig teaches of a gaming machine that incorporates a wagering game that includes a basic game and a bonus event, where the bonus event is triggered by a start-bonus outcome in the basic game (*ie: a predetermined outcome*). However, Seelig is silent with respect to the display member displaying a first signage information during the basic game and a second signage information during the bonus game.

In a related gaming patent, Gura teaches a gaming machine that uses a display member in response to a start-bonus outcome to portray on a video-type display controlled process a different image or information on the display when a basic game state occurs and when a bonus game occurs (*see abstract, Fig. 1, 3-5 and the related description thereof*). One would be motivated to incorporate this feature in order to utilize a display member in multiple ways. Without having add the additional cost of having a second display dedicated to display the

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secondary information this would reduce the cost of the game machine and add a useful result to the manufacturer. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to project basic and bonus game information on the same display member.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RH
January 31, 2008



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SUPERVISORY PRIMARY EXAMINER